

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN ALFREDO LEIVA-LEIVA, et al.,
Defendants.

CASE NO.: 1:22-cr-00232-JLT

**ORDER APPOINTING JOHN C. ELLIS,
JR. AS COORDINATING DISCOVERY
ATTORNEY**

The Court has reviewed the motion for appointment of a Coordinating Discovery attorney (Doc. 91) and the supporting declarations (Docs. 97, 98). The motion has been joined by most of the defendants and no defendant has opposed the motion¹. Based upon this information, the Court **ORDERS** that the motion (Doc. 91) is **GRANTED**. John C. Ellis, Jr., is appointed as Coordinating Discovery Attorney for court-appointed defense counsel. The Coordinating Discovery Attorney shall oversee any discovery issues common to all defendants with court-appointed counsel. His responsibilities will include:

- Managing and, unless otherwise agreed upon with the Government, distributing discovery produced by the Government and relevant third-party information common to defense counsel for all defendants.

¹ Neither Mr. Torres Garcia nor Mr. Hernandez-Otero have responded to the Court's order to join, oppose or file a notice of non-opposition to the motion. (Doc. 96) The Court presumes they do not oppose the motion, considering their silence.

- Evaluating the volume and type of discovery to determine what technologies will ensure duplicative costs are avoided and the most efficient and cost-effective methods are identified.
- Acting as a liaison with the United States Attorney’s Office to ensure the timely and effective exchange of discovery.
- Identifying, evaluating, and engaging third-party vendors and other litigation support services.
- Assessing the needs of defense counsel and further identifying any additional vendor support that may be required—including copying, scanning, forensic imaging, data processing, data hosting, trial presentation, and other technology depending on the nature of the case.
- Identifying any additional human resources that may be needed by defense counsel for the organization and substantive review of information; and
- Providing training services to the defense teams as a group and individually.

The Coordinating Discovery Attorney’s duties do not include providing representation services, and he will not establish an attorney-client relationship with any of the defendants. Discovery intended for counsel of a specific defendant and not to be shared among all defense counsel, shall be produced by the Government directly to defense counsel for that defendant. For discovery common to all defendants (“common discovery”), discovery issues specific to any defendant shall be addressed by defense counsel directly with the Government and not through the Coordinating Discovery Attorney.

For common discovery that has already been produced by the Government prior to this order, the Government shall provide a copy to the Coordinating Discovery Attorney. Additional common discovery not already produced shall be provided directly to the Coordinating Discovery Attorney, who shall duplicate and distribute the discovery to all defense counsel, unless otherwise agreed to by the parties. When the Government elects to produce discovery directly to defense counsel, it shall simultaneously provide a copy to the Coordinating Discovery Attorney. The Government shall work with the Coordinating Discovery Attorney to provide discovery in a timely manner.

His time and the time spent by his staff will be paid by the Administrative Office of the U.S. Courts, Defender Services Office. However, the CDA shall petition this Court, *ex parte*, for funds for outside services. The CDA shall monitor all vendor invoices to confirm the work that

1 was performed. All petitions for outside services shall include a basis for the requested funds and
2 a determination that the costs of the services are reasonable.

3 The Coordinating Discovery Attorney may also provide this Court with monthly *ex parte*
4 status reports depicting the status of work and whether that work remains within the budget of
5 any funds authorized by the Court, with a copy provided to defense counsel.

6
7 IT IS SO ORDERED.

8 Dated: **August 21, 2023**


UNITED STATES DISTRICT JUDGE